

REMARKS / ARGUMENTS

The claims are 2-7. Claim 1 has been canceled in favor of new claim 7 to better define the invention. Accordingly, claims 2, 3, 5 and 6, which previously depended on claim 1, have been amended to depend on new claim 7. In addition, claim 3 has been amended to change the term "bonded" to --applied--. The specification has been amended to provide antecedent basis for terms used in the claims. Support may be found, *inter alia*, in the disclosure at pages 3-5 and FIGS. 1 and 2. Reconsideration is expressly requested.

Applicants wish to thank the Examiner for the courtesy of a brief telephone conference on October 24, 2007, the substance of which is set forth herein. Prior to the filing of the Request for Continued Examination (RCE), the Examiner refused to enter the recitation of "for the decrease of sweating an aluminum-chlorate strip 7 is inserted along the longitudinal direction of the pad 2", which was added to the specification in Applicants' previous amendment filed April 23, 2007, because in the Examiner's view the specification originally included identifier 7 as the underarm panel and therefore the newly added limitation

was said not to be needed and was considered by the Examiner new matter not disclosed in the original disclosure.

As discussed briefly at the interview, Applicants' do not understand the Examiner's statement regarding the identifier 7 as being identified as the underarm panel and further disagree that the recitation is new matter as the paragraph added in the previous amendment was simply a translation of an omitted paragraph that appeared in the International Application and under 37 CFR 1.57, this paragraph should be considered incorporated by reference.

Attached hereto, please find a certified translation of International Application PCT/AT03/00088 (WO 03/082143) in which the omitted paragraph appears in the last paragraph on page 4 of the English translation just before the claims. It is respectfully submitted that the paragraph added by Applicants' April 23, 2007 Amendment is fully supported due to the incorporation by reference under 37 CFR 1.57, and Applicants respectfully request that the rejection of the specification under 35 U.S.C. 112, first paragraph, be withdrawn.

The disclosure was also objected to because in the Examiner's view the term "welding" appeared incorrect because welding is done to either metals or plastic, not adhesives and plastic.

This objection is respectfully traversed.

Contrary to the Examiner's position, it is respectfully submitted that one skilled in the art would understand that adhesives alone do not form the structure 3, namely the self-adhesive film or sheet alone. In FIG. 2, it can be seen clearly that reference numeral 3 forms a structure, and therefore one skilled in the art would understand that this structure includes adhesive on a film or sheet, which is shown, for example, by prior art cited by the Examiner herself.

For example, *U.S. Patent No. 2,818,572 to Oliver* shows a self-adhesive film or sheet including backing sheet 3 and adhesive coating 4. In addition, Applicants' specification uses the term "welded", which the Examiner herself has recognized is used with plastic materials and would not be used for adhesives alone and plastic material. Thus, it is respectfully submitted that upon reading Applicants' specification and drawings, one skilled in the art would recognize that the term "welding" is

correctly used in the specification and the claims and that structure 3 constitutes a self-adhesive sheet, not simply adhesive alone. Accordingly, it is respectfully submitted that the Examiner's objection to the specification on this basis be withdrawn.

The specification was also objected to under 37 CFR 1.75(d)(1) and MPEP §608.01 as failing to provide proper antecedent basis for the claimed subject matter. In response, Applicants have amended the specification to provide such antecedent basis, which is respectfully submitted overcomes the Examiner's objections to the specification on this basis. In this connection, the certified translation of the International Application submitted herewith uses the term "sheet" in place of "film" as a more appropriate translation of the German word "Folie" in the context of this application.

The drawings were objected to under 37 C.F.R. §1.83(a) as failing to show "the self-adhesive sheet comprising a plurality of boundary sheets bounded to the edges of the pad section" as recited in claim 3.

This rejection is respectfully traversed.

FIG. 1 of Applicants' disclosure shows 2 boundary strips formed by the adhesive sheet 3, which it is respectfully submitted fully supports the subject matter recited in claim 3. Accordingly, Applicants respectfully request that the objection to the drawings under 37 C.F.R. §1.83(a) on this basis be withdrawn.

Claims 1 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by *Oliver*, U.S. Patent No. 2,818,572. Claims 1, 3 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by *Vandekerck*, U.S. Patent No. 2,669,720. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Oliver*, in view of *Bradley*, U.S. Patent No. 3,345,643, and claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Vandekerck*, in view of *Morris*, U.S. Patent 3,346,878.

Essentially, the Examiner repeated her previous position that each of *Oliver* and *Vandekerck* discloses the perspiration pad recited in the claims, except for at least one curved bending line being provided in the bending region of the pad, which said to be shown by *Bradley*, and except for the pad being covered in a liquid-tight, but gas-permeable way on the side averted from the skin, both between the boundary strips of the self-adhesive

sheet, as well as in the bending region, which was said to be shown by *Morris*.

The Examiner also took the position that *Oliver* teaches a region of the adhesive interrupted in two portions of the bending region (see FIGS. 8 and 9 of *Oliver*), and that the ends of the bending region comprise an interrupted, self-adhesive sheet. The Examiner has also taken the position that *Vandekerck* teaches a self-adhesive layer being interrupted in the bending region, and that the identifiers 11 and 19 have no relevance to the self-adhesive layer and the interrupted region. The Examiner has also indicated that *Bradley* was cited simply to show a perspiration pad having at least one curved line in the bending region of the pad to provide greater comfort to the user during movement when wearing the shield.

During the telephone conference, this rejection was discussed briefly and the Examiner indicated that there may be a difference in the perspiration pad as shown in Applicants' FIG. 1, for example, and the pad shown in *Oliver* with respect to the interruption of the self-adhesive sheet and suggested that the claim be better defined to distinguish over the prior art references.

In response, Applicants have filed a Request for Continued Examination herein, have canceled claim 1 in favor of new claim 7, and respectfully traverse the Examiner's rejection for the following reasons.

As set forth in new claim 7, Applicants' invention provides a perspiration pad insertion into an armpit including an absorbent pad having two mutually bendable sections, and a self-adhesive sheet bonded to the sections and projecting beyond an edge of the pad. The self-adhesive sheet is interrupted at least in a bending region of the two sections of the pad so that in the bending region where the self-adhesive sheet is interrupted the pad rests on a wearer's skin. Because the perspiration pad does not have self-adhesive film or sheet in the bending region, the tensile stress produced by bending the perspiration pad is absorbed by the pad so that no tensions occur in the skin when wearing the perspiration pad yet a complete application of the perspiration pad on the skin is ensured.

Neither *Oliver* nor *Vandekerck* discloses or suggests a perspiration pad for insertion into an armpit wherein the self-adhesive sheet is interrupted at least in a bending region of the two sections of the pad so that in the bending region where the self-adhesive sheet is interrupted the pad rests on a wearer's

skin. *Oliver* simply discloses a self-adhering underarm absorbent pad having continuous layers (backing sheet 3, 3A, 3B) in the bending region 6. This continuous backing sheet 3 is provided with an adhesive coating 4 over the entire area of one of its sides by means of which the pad sections are secured to the backing sheet. See Col. 1, lines 45-47. In the modification shown in FIGS. 8 and 9 of *Oliver*, the backing sheet 3B is of less width at its center section than that of the abutting edges of the pad section so that the overhanging portions 9 of the pad sections will protect the underarm of the wearer from the corners 10 of the backing sheet when folded as in FIG. 9. See Col. 2, lines 3-10; however, the backing sheet 3B of *Oliver* is still present in the bending region as is shown in FIGS. 8 and 9, and there is no disclosure or suggestion of a self-adhesive sheet bonded to two mutually bendable sections of an absorbent area pad wherein the self-adhesive sheet is interrupted at least in a bending region of the two sections of the pad so that in the bending region where the self-adhesive sheet is interrupted the pad rests on a wearer's skin.

Similarly, *Vandekerck* shows a continuous layer (backing member 11 and 19, respectively) in the bending region 14. Although claim 1 and FIGS. 1, 2 and 4 of *Vandekerck* show a marginal portion 12 around a periphery of the pad that is coated

intermittently with an adhesive substance, there is no disclosure or suggestion of a self-adhesive sheet interrupted at least in the bending region of the two sections of the pad so that in the bending region where the self adhesive sheet is interrupted the pad rests on a wearer's skin.

The secondary references to *Bradley and Morris* have been considered but are believed to be no more pertinent. As the Examiner has indicated, *Bradley* was cited with respect to claim 2 simply as showing a perspiration pad with at least one curved bending line being provided in the bending region of the pad. There is no disclosure or suggestion of a self-adhesive sheet interrupted at least in the bending region of the two sections of the pad so that in the bending region where the self adhesive sheet is interrupted the pad rests on a wearer's skin.

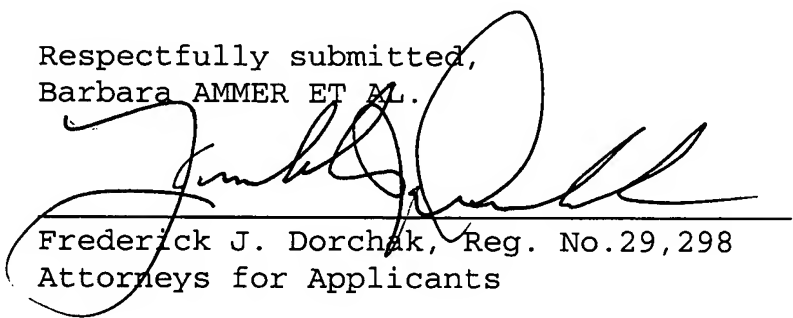
Like *Vandekerck and Oliver*, *Morris* has an adhesive layer 12 and 14 or 21, respectively, which is continuous in the bending region 15 or 22, respectively. There is no disclosure or suggestion in *Morris* of interrupting a layer (12 and 14, or 21, respectively) in the bending region (15 or 22, respectively) in order to thereby improve the wear and comfort of perspiration inserts.

Accordingly, it is respectfully submitted that new claim 7 together with claims 2-6, which depend directly or indirectly thereon, are patentable over the cited references.

In summary, claims 2-3 and 5-6 have been amended, claim 1 has been canceled, and new claim 7 has been added. The specification has also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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Enclosure: Certified translation of
 International Application PCT/AT03/00088
 Copy of Petition for 3-month extension of time

CERTIFICATE OF MAILING

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Date of Deposit: November 29, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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